

1
2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 MATTHEW G. SILVA,

7 Plaintiff,

8 v.

9 ROB McKENNA, JOHN S. BLONIEN,
10 DOUGLAS CARR, KIMBERLY
11 FRINELL, AMANDA
12 MIGCHELBRING, ELDON VAIL,
13 DAN PACHOLKE, STEVE SINCLAIR,
14 CHRIS BOWMAN, CHUCK PEASE,
15 OFFICIAL JURGENSEN, LINDA
16 MICHAEL, DAVID S. ROBERTS,
17 TAMARA ROWDEN, RONALD
18 FREDERICK, DEVON SCHRUM,
19 LORI SCAMAHORN, DENNIS
20 DAHNE, KERRI McTARSNEY,
21 CORYDON WHALEY, CLINT MAY,
22 CHERYL SULLIVAN, and VANESSA
23 COLEMAN,

24 Defendants.

No. C11-5629 RBL/KLS

REPORT AND RECOMMENDATION
Noted for: November 18, 2011

25 This case has been referred to Magistrate Judge Karen L. Strombom pursuant to 28
26 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Plaintiff Matthew G. Silva filed a motion for leave
to proceed *in forma pauperis* in this case on August 25, 2011. ECF No. 4. On September 19,
2011, he paid the \$350.00 filing fee. (Receipt No. TAC009090).

27 **DISCUSSION**

28 A district court may permit indigent litigants to proceed *in forma pauperis* upon
29 completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has

1 broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314
2 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963). Mr. Silva has paid the \$350.00
3 filing fee. Therefore, his application to proceed *in forma pauperis* (ECF No. 4) is moot and
4 should be denied.

5 CONCLUSION

6 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure
7 (Fed. R. Civ. P.), Petitioner shall have fourteen (14) days from service of this Report and
8 Recommendation to file written objections thereto. See also Fed. R. Civ. P. 6. Failure to file
9 objections will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474
10 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed set
11 this matter for consideration on **November 18, 2011**, as noted in the caption.
12

13
14 DATED this 18th day of October, 2011.

15
16 
17 Karen L. Strombom
18 United States Magistrate Judge
19
20
21
22
23
24
25
26